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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAYMOND SMITH and LESSIE
RIGGS-SMITH,

Plaintiffs,

v.

ACCREDITED HOME LENDERS, INC., et
al.,

Defendants.

Case No. 2:16-cv-00869-APG-CWH

**ORDER DENYING MOTIONS FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

(ECF Nos. 2, 3, 11, 12)

Plaintiffs Raymond Smith and Lessie Riggs-Smith filed this action asserting a variety of claims related to the foreclosure of their property. The plaintiffs previously moved for a temporary restraining order and preliminary injunction. ECF Nos. 2, 3. In response, I noted that the plaintiffs' property had been sold over 15 months ago, so there did not appear to be an emergency justifying a hearing on their motion. ECF No. 7. However, I permitted the plaintiffs to supplement their motion to identify particulars about the alleged sale, and to explain what efforts the plaintiffs previously had taken to challenge the prior sale, why a sale would be improper when the plaintiffs do not own the property, and what efforts the plaintiffs have taken to notify the defendants of the complaint and motion. *Id.*

The plaintiffs have filed an amended motion which concedes the property was sold in 2015. ECF No. 11 at 10. Plaintiff Raymond Smith previously filed suit against defendants in state court, which was removed to this court and dismissed in March 2016. *Smith v. Accredited Home Lenders, et al.*, 2:15-cv-01130-KJD-VCF. As to what efforts the plaintiffs have made to notify the defendants of this lawsuit and the motion for injunctive relief, the plaintiffs state that they have not served the defendants but that the defendants "are fully aware of all litigation pertaining to the property." ECF No. 11 at 12. The plaintiffs indicate that, by this lawsuit, they

1 “are appealing an eviction from the Las Vegas Justice Court, and thus require immediate
2 intervention from this Court.” *Id.* at 2.

3 The plaintiffs have not established that injunctive relief is proper in this case. The
4 plaintiffs have not owned the property since 2015. They still do not identify when another sale of
5 the property (or their eviction) is set to occur nor do they explain why any such sale or eviction
6 would be improper where the plaintiffs have not owned the property for over a year. Plaintiff
7 Raymond Smith’s prior lawsuit related to the foreclosure was dismissed with prejudice. *Smith v.*
8 *Accredited Home Lenders, et al.*, 2:15-cv-01130-KJD-VCF, ECF No. 23.

9 It appears the plaintiffs are requesting I enjoin their eviction but they give me no basis to
10 do so. They have not shown a likelihood of success on the merits or serious questions going to
11 the merits. To the extent they contend the state court’s decision ordering their eviction was
12 erroneously decided, the plaintiffs cannot assert in this court a de facto appeal of a Nevada state
13 court ruling. *See Bell v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013).

14 IT IS THEREFORE ORDERED the plaintiffs’ motions for a temporary restraining order
15 and preliminary injunction (**ECF Nos. 2, 3, 11, 12**) are **DENIED**.

16 DATED this 29th day of April, 2016.

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20 ANDREW P. GORDON
21 UNITED STATES DISTRICT JUDGE
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